

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Donnette Lewis,

*Appellant,*

v.

Case No. 10-REC-04-0081

Cuyahoga County Board of Commissioners,

*Appellee.*

**ORDER**

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the determination of Appellee that Appellant's position is properly classified as Secretary, Classification Number 1011431, be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.

Lumpe - Not Participating  
Sfalcin - Aye  
Tillery - Aye



*Adriana Sfalcin*  
\_\_\_\_\_  
Adriana Sfalcin, *Vice Chairman*

**CERTIFICATION**

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(the original)~~ a true copy of the original order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, December 1, 2010.

*Michelle Henry*  
\_\_\_\_\_  
Clerk

**NOTE:** Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

10/1/10 MH

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

DONNETTE LEWIS,

Case No. 10-REC-04-0081

*Appellant*

v.

September 1, 2010

CUYAHOGA COUNTY BOARD OF COMMISSIONERS,

*Appellee*

JAMES R. SPRAGUE  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This case came to be heard on August 30, 2010. Present at the hearing was Appellant, who appeared *pro se*. Appellee, Cuyahoga County (CC) Board of Commissioners (BOC), was present through its designee, James Corrigan, Government Relations Officer with the CC Office of Health and Human Services (HHS), and was represented by Barbara R. Marburger, Assistant Prosecuting Attorney.

This cause comes on due to Appellant's April 1, 2010 filing of an appeal from a job audit determination received on or about March 24, 2010. The results of the audit were that Appellant's position would remain classified as Secretary, 1011431. Alternatively, Appellant believes her position would more appropriately be classified as Administrative Assistant (AA) 1, 1052111.

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

**STATEMENT OF THE CASE AND FINDINGS OF FACT**

At hearing, three witnesses testified: **Donnette Lewis**, Appellant, who currently serves in a position classified as Secretary with CCHHS; **James Corrigan**, Government Relations Officer for the Executive Office of CCHHS, whose classification is Social Program Administrator (SPA) 5, and who serves as

Appellant's immediate supervisor; and **Albert Bouchahine**, Personnel Manager for the CC BOC.

Testimony offered at hearing establishes that in her current position of Secretary, Appellant answers directly to Mr. Corrigan, who, in turn, answers directly to Rick Werner, Deputy Administrator, who thereafter answers to the CC Administrator, James McCafferty.

Testimony also indicated that Appellant performs work principally for several individuals in or associated with the Executive Office of HHS: SPA 5 James Corrigan, Appellant's supervisor; SPA 5 Mary Louise Madigan, Grants and Contracts Coordinator; and SPA 5 Sabrina Roberts, Health Policy Coordinator. Appellant also performs work for the supervisor of these three SPA 5s, Deputy Administrator Rick Werner, and for others in the Executive Office as needed.

The record reflects that Appellant spends about 30 to 40 percent of her time screening phone calls and scheduling. The screening function includes the usual meet-and-greet components and also encompasses serving as the initial point of contact for all of the above-named SPA 5s as well as for Deputy Administrator Werner. The scheduling function can also include some discretion regarding setting appointments for SPA 5 Corrigan and Deputy Administrator Werner, both of whom are frequently out of the office on business. This also includes processing many letters for HHS' presentation to the BOC.

This function further includes making all the arrangements for travel, meetings, and meals for SPA 5 Corrigan and, at times, accompanying him.

Appellant also updates a database with information for various government officials, taking about 8 percent of her day. This includes receiving and utilizing various Child Fatality reports to update a spreadsheet that she created in 2006 concerning these statistics. She spends about 20 percent of her time issuing many letters through a merge function utilizing a large database, sometimes with a mailing consisting of 80 to 150 letters.

Appellant spends about 15 percent of her time working for staff outside of HHS, including for the aforementioned Health Policy Coordinator and, on an as needed basis, for Joanne Gross, who works directly for County Administrator James McCafferty. The Health Policy committee is composed of at least 90 to 92

members and Appellant prepares documentation for mailing packages for the group. She must monitor the progress in putting together the packets and frequently send reminders to information providers to ensure that the packets bear all required information before they are send out. She also conducts online research to obtain health enrollment statistics regarding individuals on public assistance for a three-month rolling figure for the Health Policy Coordinator.

She spends about 10 percent of her time assisting the Grants and Contracts Coordinator with preparing contracts and ensuring they are on the computer system for review and then submission to the BOC.

County Personnel Manager Albert Bouchahine noted that, while no specification provides a perfect fit with the requisite duties of a position, in this case, he opined, the Secretary classification does appear to provide the best fit with the Comprehensive Position Questionnaire completed regarding Appellant's duties. He noted that the Administrative Assistant 1, 1052111 classification calls for the incumbent to research and analyze information, prepare reports and offer recommendations, relieve the administrator of administrative functions, and serve as a liaison for the administrator.

Mr. Bouchahine contrasted these duties with the bulk of Appellant's duties which, he again opined, provided value to the operation of HHS but could more accurately be characterized as the routine clerical tasks that comprise the Secretary, 1011431 specification.

Bases on the testimony presented and evidence admitted at hearing, I make the following Findings:

First, I note that I incorporate, herein, any finding set forth above, whether express or implied.

Next, I note that I incorporate the percentages of job duties provided by Appellant at hearing.

## **CONCLUSIONS OF LAW**

This case presents this Board with the question of whether Appellant's position is more properly classified as Secretary, 1011431 or, alternatively, as Administrative Assistant 1, 1052111? Based on the findings set forth, above, and for the reasons set forth, below, this Board should answer that Appellant's position is properly classified as Secretary and, so, should affirm the job audit determination of Appellee in this matter.

As referenced, above, the Classification Function statement for **Secretary**, 1011431 indicates: "The purpose of this classification is to provide secretarial support by relieving supervisor of routine administrative tasks."

Also as referenced, above, the Classification Function for **Administrative Assistant 1**, 1052111 indicates: "The purpose of this classification is to assist higher level administrator by researching and analyzing information to support division's program direction."

As further set forth in Rank 1 of the Essential Job Functions statement in the Administrative Assistant 1 specification, some examples of the type of work expected of the AA 1 include: researching and analyzing program information and preparing reports and recommendations; presenting recommendations to the administrator to further program direction; preparing and recommending new policies and procedures; and monitoring the progress of newly implemented policies, procedures, or programs and reporting back to the administrator on same.

Appellant obviously provides considerable value to the operation of the Executive Office of HHS. Also, obviously, Appellant must keep track of numerous variables and operations at any one point in time.

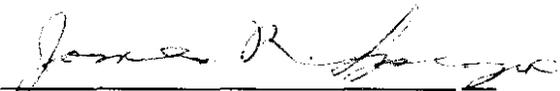
However, the bulk of Appellant's work, while quite important, cannot be said to constitute research so much as information gathering. Further, Appellant does not recommend and does not generally monitor progress on policies, procedures, or programs for SPA 5 Corrigan. Nor does she, on any regular basis, act as a liaison for him. Thus, it cannot be said that the any appreciable percentage of Appellant's time fulfills the requirements set forth in either the Classification Function statement or in Rank 1 of the AA 1 specification.

DONNETTE LEWIS  
Case No. 10-REC-04-0081  
Page 5

Conversely, the bulk of Appellant's work does fit within the language contained within both the Classification Function statement and in Rank 1 of the Secretary specification.

### RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the job audit determination of Appellee that Appellant's position is properly classified as Secretary, 1011431, pursuant to R.C. 124.03 and R.C. 124.14.

  
\_\_\_\_\_  
JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: